

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:23-CV-00054-RJC-SCR**

MATTHEW TCHIRKOW, )  
                        )  
Plaintiff,            )  
                        )  
v.                     )  
                        )  
ATLANTIC MEDICAL SOLUTIONS, )  
LLC,                    )  
                        )  
Defendant.            )

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**ORDER**

**THIS MATTER** is before the Court on Defendant's "Motion to Dismiss" (Doc. No. 4) filed April 14, 2023. Plaintiff filed his "Amended Complaint" (Doc. No. 8) on May 5, 2023.

Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(1) grants a party the right to "amend its pleading once as a matter of course," if done within 21 days after serving the pleading, Fed. R. Civ. P. 15(a)(1)(A), or "if the pleading is one to which a responsive pleading is required," a party may amend once as a matter of course, provided that it does so within "21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P. 15(a)(1)(B). The Rule further provides that leave to amend shall be freely given "when justice so requires." Fed. R. Civ. P. 15(a)(2).

Plaintiff filed his Amended Complaint within 21 days following receipt of Defendants' Motion to Dismiss. No Answer has been filed. Accordingly, the amendment is as a matter of course. Fed. R. Civ. P. 15(a)(1)(B).

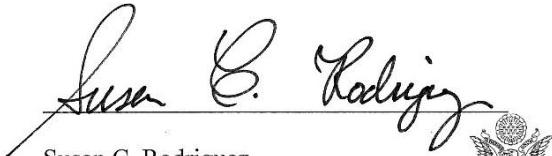
It is well settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. Hall v. Int'l Union, United Auto., Aerospace & Agric. Implement Workers of Am., No. 3:10-CV-418-RJC-DSC, 2011 WL 4014315, at \*1 (W.D.N.C. June 21, 2011); Young v. City of Mount Ranier, 238 F.3d 567, 572-73 (4th Cir. 2001).

**IT IS THEREFORE ORDERED** that:

1. Defendant's "Motion to Dismiss" (Doc. No. 4) is administratively **DENIED** as moot without prejudice.
2. The Clerk is directed to send copies of this Order to counsel for the parties and to the Honorable Robert J. Conrad, Jr.

**SO ORDERED.**

Signed: May 5, 2023



Susan C. Rodriguez  
United States Magistrate Judge

